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*Attorneys for Defendant
Dobbs-Stanford Corporation*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SOFTWARE FREEDOM CONSERVANCY, INC.,
et al.

Plaintiffs,

- against -

BEST BUY, INC., et al.

Defendants.

**ORIGINAL ANSWER OF DEFENDANT
DOBBS-STANFORD CORPORATION**

09 Civ. 10155 (SAS)

Defendant Dobbs-Stanford Company L.P. (“Dobbs-Stanford”) answers the complaint of Plaintiff Software Freedom Conservancy, Inc. and Erik Anderson (together “SFCI”) as follows:

The Parties

1. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.

2. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
3. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
4. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
5. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
6. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
7. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
8. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
9. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
10. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.

11. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
12. Admit.
13. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
14. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
15. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
16. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.

Jurisdiction & Venue

17. Dobbs-Stanford admits that this court has subject matter jurisdiction under 17 U.S.C. § 501 and 28 U.S.C. §§ 1331 and 1355(c).
18. Dobbs-Stanford admits that it has an Internet website, and that it sells products throughout the United States, but is without sufficient information to form a belief as to the truth of the remaining allegations in this paragraph at this time, and on that basis denies each and every remaining allegation in this paragraph.
19. Dobbs-Stanford admits that venue is proper in this jurisdiction under 28 U.S.C. §§ 1391(b) and 1400(a).

Factual Background

20. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
21. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
22. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
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24. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
25. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.
26. Denied as to Dobbs-Stanford. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the remaining allegations in this paragraph at this time, and on that basis denies each and every remaining allegation in this paragraph.
27. Denied as to Dobbs-Stanford. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the remaining allegations in this paragraph at this time, and on that basis denies each and every remaining allegation in this paragraph.

28. Denied as to Dobbs-Stanford. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the remaining allegations in this paragraph at this time, and on that basis denies each and every remaining allegation in this paragraph.

29. Denied as to Dobbs-Stanford. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the remaining allegations in this paragraph at this time, and on that basis denies each and every remaining allegation in this paragraph.

Claim for Relief

Count I: Copyright Infringement

30. Dobbs-Stanford incorporates by reference and adopts its responses to the paragraphs above, as though fully set forth herein.

31. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the allegations in this paragraph at this time, and on that basis denies each and every allegation in this paragraph.

32. Denied as to Dobbs-Stanford. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the remaining allegations in this paragraph at this time, and on that basis denies each and every remaining allegation in this paragraph.

33. Denied as to Dobbs-Stanford. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the remaining allegations in this paragraph at this time, and on that basis denies each and every remaining allegation in this paragraph.

34. Denied as to Dobbs-Stanford. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the remaining allegations in this paragraph at this time, and on that basis denies each and every remaining allegation in this paragraph.

35. Denied as to Dobbs-Stanford. Dobbs-Stanford is without sufficient information to form a belief as to the truth of the remaining allegations in this paragraph at this time, and on that basis denies each and every remaining allegation in this paragraph.

Affirmative Defenses

1. SFCI's Complaint fails to state a claim upon which relief may be granted and should be dismissed under Fed. R. Civ. P. 12(b)(6).
2. SFCI's claim is barred because Dobbs-Stanford's alleged use of the relevant software code is under license, the terms of which Dobbs-Stanford has complied with.
3. SFCI's claim is barred because it is made on the basis of purported copyright(s) that SFCI has not registered.
4. SFCI's claims are barred by the applicable statute of limitations.
5. SFCI's claims are barred by the doctrines of laches, 28 U.S.C. § 2462, and/or estoppel.

Request for Relief

Dobbs-Stanford respectfully requests that the Court enter judgment against SFCI and award Dobbs-Stanford the following relief:

1. That the Court dismiss, with prejudice, SFCI's Complaint against Dobbs-Stanford;
2. That the Court award SFCI nothing;
3. That the Court declare that Dobbs-Stanford has not violated any copyright belonging to any Plaintiff;
4. That the Court declare this to be an exceptional case, and award Dobbs-Stanford its reasonable costs, expenses, and attorneys' fees; and

5. That the Court award Dobbs-Stanford any and all further relief to which it may be entitled.

Dated: March 8, 2010

For Defendant
DOBBS-STANFORD CORPORATION

/s/ Michael T. Mervis

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th Day of March, 2010, I caused a true and correct copy of the ORIGINAL ANSWER OF DEFENDANT DOBBS-STANFORD CORPORATION to be filed and served via the Court's Electronic Case Filing system upon all counsel of record.

Dated: March 8, 2010

s/Justin F. Heinrich

Justin F. Heinrich (JH 3379)
(jheinrich@proskauer.com)